IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION (LODG.) NO.847 OF 2007

Sajid Mehmood Shaikh ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

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Mr. M. M. Vashi i/b M/s. M.P. Vashi & Associates for the Petitioner.

Ms. S.M. Dandekar, AGP for Respondents 1 to 3.

Mr. A.G. Kothari for Respondents 4 to 6.

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CORAM: **SWATANTER KUMAR, C.J. &**
DR. D.Y. CHANDRACHUD, J.

30th July, 2007.

P.C. :

1. After hearing the learned counsel appearing for the parties, we are of the considered view that the contention of the Petitioner that the services of the Petitioner should be approved by the Deputy Director of Education on a regular basis has substance.

2. The two objections raised are that the Petitioner does not satisfy the requirement of weekly hours and the schools do not

satisfy the strength as indicated under the Government Resolution.

3. This case is disputed by counsel appearing for the management. An affidavit has been filed that there are more than 1524 students in both the schools and according to the Government Resolution the strength is accounted jointly and it has to be more than 1000. As far as the working hours of the Petitioner are concerned, it is averred that the Petitioner is working 39 hours a week in both the schools as per the directions of the management. Counsel appearing for the Petitioner relies upon a Government Resolution issued by the Government on 15th July, 1974 which also stood modified by the Resolution of 13th August, 1996 with the intent of achieving better performance.

4. In the circumstances, we consider it appropriate to direct the Deputy Director of Education to hear the Petitioner and pass an appropriate order in regard to the grant of approval in relation to the claim in the Petition. Let the appropriate order be passed within eight weeks from today. In the meantime, the Petitioner shall be paid the requisite salary in accordance with law. The

Petition is disposed of leaving the parties to bear their own costs.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.